

Atty. Docket No.: Q67202
PATENT APPLICATION

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No.: 09/986,554

Preliminary, Applicant notes that while the detailed Office Action indicates that claims 2-10 and 12-20 are rejected, claims 2-4 and 12-14 are no longer pending in this Application. Accordingly, Applicant addresses this rejection as applicable only to claims 5-10 and 15-20.

As noted in the subject Specification (see, e.g., page 1, lines 10-23), the subject invention aims to solve the problem of a user attempting to purchase an item from stores that are not connected to the internet (i.e., off-line stores). One of the solutions, as recited in, for example, claim 5, is to provide the user with a list of available products over the network. However, when the user wishes to inquire about the availability of a product that is not listed, the user may file a request for a search for the product at selected off-line stores. The system then transmits to the user a service charge for the requested search. If the user accepts the charge, the search is performed and the results are sent to the user, enabling the user to place an order for any of the items uncovered in the search. Consequently, the claimed system enables the user to purchase an item that the user could have not otherwise been able to locate. Applicant respectfully submits that none of the cited references, nor any permissible combination thereof, enables such a solution.

Woolston discloses an electronic auction system, whereby sellers may offer merchandize for sale and buyers may purchase the offered merchandize. However, as clearly disclosed by Woolston, the sellers (including "off-line" sellers) must first present their items to the system in the form of a description and image. Therefore, the disclosure of Woolston is limited to enabling users to purchasing only items presented to them on the system. No provision is made to enable buyers to gain information about items that are not presented on the system. This deficiency of

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Woolston has been overlooked in the subject office action and no provisions have been made to remedy this deficiency. More specifically, Woolston fails to disclose or even remotely suggest the limitation:

wherein the user terminal transmits a first search request signal to said server to request a service charge associated with performing a search by an agent at specified sales shops, which are selected by the user, among the sales shops that are not accessible via said communications network for a desired item if the desired item is not included among the plurality of items included in the product listings [underline emphasis added]

That is, in Woolston (and for that matter, in all of the other cited art of record), the user is able to find the product by himself from the list provided by the system. Stating it another way, the user is able to purchase only products that are listed in the system. The cited art provides no teaching or suggestion of how the user may embark on acquiring an item that is not currently available or listed on the system.

It is acknowledged in the subject Office Action that Woolston does not disclose enabling the user to request an inspection report. Both Walker and Buyclassiccars.com are cited as remedying this deficiency of Woolston. However, whether it would have been obvious to incorporate the teachings of Walker and Buyclassiccars.com into Woolston to provide the claimed request for inspection report is irrelevant, since even if one, *arguendo*, accept this assertion, the entirety of the cited art of record still fails to teach or suggest the cited limitation enabling the user to seek purchasing items that are not available on the system.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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MOUNTAIN VIEW OFFICE

23493

CUSTOMER NUMBER

Date: November 27, 2006

for Joseph Bernstein
Howard L. Bernstein
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Joseph Bernstein
Reg. No. 37,771

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.116 is being facsimile transmitted to the U.S. Patent and Trademark Office this 27th day of November 2006.

Sarah K. Flohr
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